

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Larry Gene Kearney II**

**Docket No. 5:11-CR-370-2D**

**Petition for Action on Supervised Release**

COMES NOW Arthur B Campbell, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Larry Gene Kearney II, who, upon an earlier plea of guilty to Possession with Intent to Distribute 28 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on July 20, 2012, to the custody of the Bureau of Prisons for a term of 42 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 48 months.

Larry Gene Kearney II was released from custody on February 13, 2015, at which time the term of supervised release commenced.

On January 31, 2017, Kearney's supervision was revoked and he was sentenced to Time Served and placed on a new 36-month term of supervised release. Upon release, Mr. Kearney joined the HOPE Court Drug/Reentry Program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On February 9<sup>th</sup> and April 6<sup>th</sup>, 2017, the defendant submitted drug screens that tested positive for methamphetamines. On April 9<sup>th</sup>, the defendant was charged with Driving Under the Influence in Clayton, Georgia. This case is pending in state court. Kearney has denied that was driving while intoxicated. Mr. Kearney had permission to be in the Western District of North Carolina that day, and according to him, his girlfriend had broken down on the highway and he did not realize that it was over the North Carolina/Georgia state line. When confronted with these violations, Mr. Kearney expressed that he was under a lot of stress with the pending birth of his daughter, HOPE Court obligations and trying to provide for his family. Kearney also stated that he felt he needed to speak to a counselor about his life stressors. In relation to the drug positives, the HOPE Court sanctioned Mr. Kearney to a day in custody, and in response to the DUI, requested that the defendant be placed on SoberLink for up to 180 days. The probation officer requests no further penalty on these violations outside of the recommendations of the HOPE Court team. If there are any further non-compliance the court will be notified immediately. The defendant has been warned that future noncompliance will not be tolerated and will result in a recommendation for recommendation.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
2. The defendant shall abide by all the terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 180 consecutive days.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/ Arthur B Campbell  
Arthur B Campbell  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8677  
Executed On: April 27, 2017

### ORDER OF THE COURT

Considered and ordered this 3 day of May, 2017, and ordered filed and  
made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
Chief U.S. District Judge